

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-CV-00465-FDW-DCK**

ECO FIBER INC.,

Plaintiff,

v.

DAVID KEVIN VANCE,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant’s Motion for Leave to Exceed Word Limit, (Doc. No. 15), which Plaintiff opposes. In the motion, Defendant contends Plaintiff’s motion violates the local rules because it is “two motions,” which Defendant contends justifies an additional 4,5000 words in order to respond. (*Id.*, p. 2.) The Court disagrees with Defendant’s interpretation of the Local Rules in this instance. Plaintiff’s separately filed pleading—which complies with the Court’s word count limit of 4,500—moves for a preliminary injunction and moves for a bond to be posted by Defendant as part of the relief sought. Defendant misconstrues Local Rule 7.1(c)(2), which—by its title—addresses and pertains to “*Motions Not to Be Included in Responsive Briefs*.” (Emphasis added.) Defendant’s argued interpretation is inapplicable here because Plaintiff’s motion was not filed in a responsive brief.

Furthermore, parties routinely consolidate related motions into one pleading for purposes of efficiency, which Plaintiff has done so here. *See, e.g., Grayson v. Anderson*, 816 F.3d 262, 269 (4th Cir. 2016) (“[N]eedless inefficiency would undermine a principal purpose of the Federal Rules of Civil Procedure ‘to secure the just, speedy, and inexpensive determination of every action and proceeding.’” (quoting Fed. R. Civ. P. 1)). Plaintiff’s requested relief for a bond is

significantly intertwined with the motion for a preliminary injunction, and Plaintiff did not circumvent any rules by including it in the pleading.

Finally, this Court has already set a hearing on Plaintiff's motion, which will provide Defendant an opportunity to expand on their briefing. The Motion for Leave to Exceed Word Limit is therefore DENIED.


In light of the hearing set in an expedited manner at Plaintiff's request, the Court hereby DIRECTS Plaintiff to file any reply to Defendant's response no later than Tuesday, June 11, 2024.

IT IS THEREFORE ORDERED that Defendant's Motion for Leave to Exceed Word Count Limit, (Doc. No. 15), is DENIED.

IT IS FURTHER ORDERED that Plaintiff's reply brief in support of its motion shall be filed no later than Tuesday, June 11, 2024.

IT IS SO ORDERED.

Signed: June 5, 2024


Frank D. Whitney
United States District Judge

